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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

10 WESTERN REPACKING, LLLP and
11 THE THOMAS COLACE CO. INC.,

12
13 Plaintiffs,

14 - against -

15 NUTRITION CORP, INC. d/b/a
16 FRESH N LEAN.COM, NUTRITION
17 CORP HOLDCO, INC., THOMAS J.
18 ASSEO and LAUREEN E. ASSEO,

19 Defendants.
20

CASE NO.:

8:23-cv-00749-JVS-DFMx

FINAL DEFAULT JUDGMENT

21 **UPON** the motion of plaintiffs Western Repacking, LLLP (“Western”) and The
22 Thomas Colace Co. Inc. (“Colace”) (Western and Colace collectively, “Plaintiffs”),
23 the declarations of Plaintiffs’ counsel, Anthony Cartee and Gregory Brown, and
24 Plaintiffs’ Chief Financial Officer, Drew Yurko, the exhibits annexed thereto, the
25 supporting memorandum submitted therewith, and the Clerk’s Defaults, all of which
26 demonstrate that defendants Nutrition Corp, Inc. d/b/a Fresh N Lean.com (“Nutrition
27 Corp.”), Nutrition Corp Holdco, Inc. (“Holdco”), Thomas J. Asseo (“T. Asseo”) and
28

Laureen E. Asseo (“L. Asseo”) (Nutrition Corp., Holdco, T. Asseo, and L. Asseo collectively, “Defendants”), jointly and severally, owe a debt under the trust provisions of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a, *et seq.* (“PACA”), as follows: (a) in favor of Western Repacking, LLLP in the total amount of \$57,169.41, which includes the principal amount of \$45,369.70, interest owed on that debt through September 8, 2023, in the amount of \$5,106.98, attorneys’ fees through September 8, 2023, in the amount of \$6,692.72, and costs in the amount of \$1,721.50, plus additional accrued interest through and including the date of entry of judgment at the rate of \$22.37 per day; and (b) in favor of The Thomas Colace Co. Inc. in the total amount of \$6,078.44, which includes the principal amount of \$4,862.40, interest owed on that debt through September 8, 2023, in the amount of \$498.76, attorneys’ fees through September 8, 2023, in the amount of \$717.28, and costs in the amount of \$184.50, plus additional accrued interest through and including the date of entry of judgment at the rate of \$2.40 per day; Defendants are not infants, incompetent persons, or in the military service of the United States; and there is no just reason for delay of entry of final judgment against Defendants, and

UPON this matter having come before this Court on Plaintiffs’ Motion for Default Judgment, and Defendants having failed to appear, it is hereby

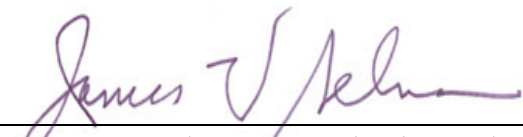
ORDERED that judgment is hereby entered, in favor of Plaintiffs and against Defendants, jointly and severally, under the trust provisions of PACA as follows: (a) in favor of Western Repacking, LLLP in the total amount of \$53,783.92, which includes the principal amount of \$45,369.70, attorneys’ fees through September 8, 2023, in the amount of \$6,692.72, and costs in the amount of \$1,721.50, plus prejudgment interest through and including the date of entry of judgment at the contractual rate of 18% per annum ; and (b) in favor of The Thomas Colace Co. Inc. in the total amount of \$5,764.18, which includes the principal amount of \$4,862.40, attorneys’ fees through September 8, 2023, in the amount of \$717.28, and costs in the

1 amount of \$184.50, plus accrued prejudgment interest through and including the date
2 of entry of judgment at the at the contractual rate of 18% per annum; Defendants are
3 not infants, incompetent persons, or in the military service of the United States; and it
4 is further,

5 **ORDERED** that the judgment entered in favor of Plaintiff and against
6 Defendants, jointly and severally, is a final judgment, there being no just cause for
7 delay in light of Plaintiff's statutory right to prompt payment under PACA, and
8 Plaintiff may have immediate execution, therefore.

9 **SO ORDERED.**

10 Dated: Santa Ana, California
11 October 16, 2023

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13 James V. Selna, U.S. District Judge
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